

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

WILLIE ROSE III,

No. C 10-04355 WHA

Plaintiff,

v.

**ORDER DENYING PLAINTIFF'S
PRETRIAL MOTIONS**

PLASTIKON INDUSTRIES, INC.,

Defendant.

Pro se plaintiff Willie Rose filed several motions in anticipation of his upcoming trial (Dkt. Nos. 58–62). Although his first motion is titled, “motion to add correction to statement of complaints,” the body of the motion contains only his trial brief and exhibits (Dkt. No. 58). Even if this filing is construed as a motion to amend the complaint, the motion is denied for reasons stated in a recent order on the same issue (Dkt. No. 54). Rose’s second motion is titled, “motion to subpoena list of names” (Dkt. No. 60). If plaintiff wants to serve subpoenas on non-party witnesses, then he should first request blank subpoenas from the Clerk’s Office (*see* Pro Se Handbook at Chapter 15). Rose’s third motion is titled, “motion to forward disparate treatment and constructive discharge” (Dkt. No. 62). It is unclear from the title or the body of the motion what Rose is requesting. This motion is denied.

Rose’s final motion is titled, “motion to request a representative,” although the body of the motion is largely the same as “his motion to subpoena list of names.” This order will construe this motion as a request for counsel. There is no constitutional right to counsel in a civil case.

1 *Lassiter v. Dep't of Social Services*, 452 U.S. 18, 25 (1981). Section 1915 confers on a district
2 court only the power to “request” that counsel represent a litigant who is proceeding in forma
3 pauperis. 28 U.S.C. § 1915(e)(1). This does not give the courts the power to make “coercive
4 appointments of counsel.” *Mallard v. United States Dist. Court*, 490 U.S. 296, 310 (1989). In
5 short, the Court has only the power to ask pro bono counsel to represent plaintiff, not the power to
6 “appoint” counsel. Rose is capable of presenting his claims effectively, and the issues are not
7 complex. Consequently, his motion is denied.

8 For the reasons stated, Rose’s pretrial motions are **Denied**.

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10 **IT IS SO ORDERED.**

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12 Dated: January 5, 2012.

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14 WILLIAM ALSUP
15 UNITED STATES DISTRICT JUDGE
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